vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.761 OF 1987

Hari Om Paper Mills Pvt. Ltd. ... Plaintiffs

V/s.

M/s.Devkaran Nanjee Shah ... Defendants

Mr.Arupdas Gupta i/b R.N. Narula for Plaintiffs
None for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 28, 2006**

P.C.:

. The present suit has been filed for recovery of a sum of Rs.50,000/- with interest @ 18% p.a. According to the plaintiffs, the defendants offered the plaintiffs a term loan facility by their letter dated 5.1.1984. On 11.2.1984, the defendants informed the plaintiffs that they were willing to advance the finances towards mortgage of the factory property of the plaintiffs. The plaintiffs then secured the finances of the defendants and also paid defendants Rs.50,000/- towards legal charges and other expenses. Correspondence was exchanged between the parties and the defendants called upon the plaintiffs to refund the amount of Rs.50,000/-. However, this amount has remained unpaid to the plaintiffs.

2. The plaintiffs have produced on record compilation of documents consisting (1) Letter dated 5th

January 1984, addressed by the Defendants to the Plaintiff; (2) Copy of letter dated 4.2.1984 addressed by the plaintiffs to the Defendants; (3) Copy of the letter dated 16.3.1984 addressed by the plaintiffs to the Defendants; (4) copy of application dated 24.3.1984 made by the plaintiffs; (5) Agreement dated 24.3.1984 entered between plaintiffs and the defendants; (6) Receipt dated 24.3.1984 for Rs.50,000/- issued by defendants to the plaintiffs; (7) Letter dated 4.4.1984 addressed by the Defendants to the Plaintiffs; (8) Copy of Plaintiff's advocates notice dated 13.6.1986 addressed to the Defendants; (9) Letter dated 17.6.1986 addressed by Defendants to the Plaintiffs' advocate; (10) Correspondence prior to the suit.

3. The documents support the case made out by the plaintiffs in the plaint. There is no written statement filed. In these circumstances, I am of the view that the plaintiff is entitled to a decree. Suit is accordingly decreed as prayed for.